

April 19, 2013

**Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

Re: ***Written Ex Parte Communication***  
**CG Docket Nos. 03-123, 13-24**  
**Sprint Nextel Corporation**  
**Hamilton Relay, Inc.**  
**Ultratec, Inc.**

Dear Ms. Dortch:

Per discussions with the Consumer and Governmental Affairs Bureau, Disability Rights Office, Sprint Nextel Corporation (“Sprint”), Hamilton Relay, Inc. (“Hamilton”), and Ultratec, Inc. (“Ultratec”) (hereinafter, the “Parties”), are willing to extend their compliance with the interim default “captions-off” rule for a period of 180 days after the end of the waiver period, should such waiver be granted.<sup>1</sup> The Federal Communications Commission established the interim rules with a common sunset date, “which will be either (1) 180-days after the effective date of the interim rules on registration and certification or (2) the effective date of final rules on these issues, whichever date comes sooner.”<sup>2</sup>

On February 22, 2013, the Parties filed jointly a Petition for Limited Waiver<sup>3</sup> seeking additional time for new and already-deployed Internet Protocol Captioned Telephone Service (“IP CTS”) equipment to fully comply with the default “captions-off” requirement.<sup>4</sup> The Parties subsequently amended their petition to request that any such waiver be granted on a retroactive

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<sup>1</sup> The interim rule requires Internet Protocol Captioned Telephone Service (“IP CTS”) providers to ensure that equipment and software used in conjunction with IP CTS have a default setting of “captions-off” at the beginning of each call, so that the consumer must take an affirmative step to turn on the captions each time the consumer wishes to use the service. *See, Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, Order and Notice of Proposed Rulemaking, CG Docket Nos. 13-24, 13-0123, FCC 12-13, ¶ 1 (rel. Jan. 25, 2013).

<sup>2</sup> *Id.* at ¶ 2.

<sup>3</sup> *See, Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, Petition for Limited Waiver, CG Docket Nos. 13-24, 13-0123 (Feb. 22, 2013).

<sup>4</sup> In addition, Sprint filed separately an Emergency Petition of Sprint Nextel For Limited Waiver and Clarification to exempt Wireless CapTel and WebCapTel from the default “captions-off” requirement. *See, Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, Emergency Petition of Sprint Nextel for Limited Waiver and Clarification, CG Docket Nos. 13-24, 13-0123 (Mar. 5, 2013).

basis, to and including March 7, 2013, and to amend the scope of their waiver request by proposing a hard cut-off date of thirty (30) days after March 7<sup>th</sup>.<sup>5</sup>

If the Consumer and Governmental Affairs Bureau (“Bureau”) were to grant the waivers as amended, the Parties would interpret the obligation to comply with the interim rules to extend for 180 days from the date of the extended implementation deadline. For example, should the Bureau grant the waiver and modify the original compliance deadline from March 7, 2013 to April 7, 2013, the Parties would continue to comply with the default “captions-off” requirement until October 4, 2013 (*i.e.*, 180-days from the waiver deadline of April 7, 2013), unless earlier modified by the Commission.

Finally, as discussed with the Bureau during the Parties’ April 12, 2013 meeting, the Parties reiterate that they are in compliance with the interim default “captions-off” rule.

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being electronically filed with your office. Please let us know if you have any questions regarding this filing.

Respectfully Submitted,

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<sup>5</sup> See, *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, Amendment to Petition for Limited Waiver, CG Docket Nos. 13-24, 13-0123 (Mar. 14, 2013).